

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 30, 2010

The regular meeting of the Board of Supervisors of Lower Makefield Township was held in the Municipal Building on November 30, 2010. Chairman Smith called the meeting to order at 7:30 p.m. Mr. Maloney called the roll.

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary
 Dan McLaughlin, Treasurer
 Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Gail McFadden, 280 Marble Court, representing the Lower Makefield Seniors stated Sgt. Jones contacted them about a program offering to help the Seniors rake their leaves; and Ms. McFadden thanked the Chief and the Police Department as some of the Seniors were able to take advantage of this program.

Mr. Peter Kundra, Lower Makefield, stated in September he attended a local Church and learned of the Miller family which is a local family with four children. He stated the husband had ALS and they were having financial problems. He stated he wanted to help them and made a number of contacts including Mr. Smith about helping this family. He stated Mr. Smith forwarded the message onto his contacts and many people were able to help this family in need. Mr. Kundra stated while Mr. Miller did pass away, the family is still in need, and he asked that those who can help contact him at peterkundra@msn.com. He thanked Mr. Smith and Mr. Caiola for their response to this need. Mr. Smith stated in Lower Makefield when you put out a call to help, many people in the Township are willing to help, and he thanked all those in the community who helped this family. Mr. Caiola thanked Mr. Kundra for taking the initiative to help this family.

UPDATE ON COMMONWEALTH GRANTS FOR PARK & RECREATION

Mr. Smith stated they are still waiting for someone to arrive to discuss this matter.

ZONING HEARING BOARD MATTERS

With regard to the Tim and Diane Moore Variance request to construct a shed resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

CONSIDERATION AND APPROVAL OF AGREEMENT FOR THE SALE OF ELM LOWNE

Mr. Truelove stated he and Mr. Fedorchak and his office worked diligently to put together a Bid package which was sent out to numerous recipients in the real estate business to solicit Bids for the sale of Elm Lowne. He stated two Bids were received; and because the Bid requests indicated that the property would be sold “As Is,” the two Bids received had Conditions attached. Mr. Truelove stated the Benninghoff/Mueller Bid was \$679,000 with the Condition that if the inspection, which is a provision in the Contract, yielded repairs of a structural nature in the amount of \$10,000 for one item or \$20,000 in the aggregate, the potential buyers could consider rescinding their offer. He stated the Pfender offer was in the amount of \$665,000, they would still have the fifteen day window with the Conditions that are in the Draft Contract; but they had a Condition that the sale was contingent on the sale of their current residence located on Yardley-Newtown Road. Mr. Truelove stated the Board could reject both Bids for technical non-compliance or consider both Bids and determine which is the more favorable to the Township.

Mr. Smith asked Mr. Fedorchak the process used in terms of soliciting Bids, and Mr. Fedorchak stated they were able to contact all the local real estate agents by e-mail notifying them of the potential sale. He stated this e-mail went out to 500 local agents. He stated the Township also advertised a number of times in the paper, and had a posting on the Township Website. He stated this is the second time they did this, as they did it earlier in the year as well. He stated the first time they received only one bid in the amount of \$525,000, but that Bid was withdrawn the next day.

Mr. Stainthorpe stated per the discussion in Executive Session, the Board of Supervisors is willing to award the Bid to the high bidder, but not accept the Conditions on their Bid. He stated the house is being sold “As Is,” and as with any real estate Contract, they would have fifteen days to complete an inspection; and if they choose to back out, they have that right within fifteen days.

Mr. Stainthorpe moved and Mr. Maloney seconded to accept the high bid in the amount of \$679,000 but would not accept any Conditions.

Mr. Joe Pfender, 1325 Yardley-Newtown Road, stated he was one of the bidders. He stated it appears that both Bids are not acceptable as they stand; but the Board indicated this was not correct. Mr. Pfender stated the Bid by the other side was described as having a contingent based on a \$10,000 limit. He stated a \$5,000 figure was tendered at the closing of the Bid at Noon on the 16th. He stated he is concerned that the Bid was modified; and if this is correct, he asked if he will have the opportunity to make another Bid. Mr. Truelove stated there was a modification, but it was not accepted by the Motion tonight by the Board. Mr. Truelove stated the Board has accepted \$679,000 with the fifteen day window to do the inspection, and no Condition. Mr. Pfender stated they are now just talking about a dollar figure of \$679,000 versus \$665,000, and Mr. Truelove agreed. Mr. Pfender asked if the Board is making their decision based on those figures alone, and Mr. Truelove agreed that this is the Motion.

Mr. Pfender asked if the Board is aware of the other Addendum associated with the other Bid, and Mr. Truelove stated they are. Mr. Pfender stated it seems clear that their Plan is to demolish the barn, and Mr. Truelove stated the Bid currently is for the pure dollar figure. He stated in the original specs, demolition was an option that was possibly permitted; however, there is a process to go through which they would be require to do if they requested to do this. Mr. Pfender stated he assumes the Board is satisfied that the award associated with the \$679,000 figure could result in the demolition of the Elm Lowne barn. Mr. Truelove stated this is in the Bid specs as a possibility; however, it would not automatically be approved if it was requested, and they would have to meet certain guidelines. Mr. Pfender asked if the Board is prepared to express their concerns, if any, about the demolition of the barn.

Mr. Smith asked Mr. Pfender his intentions for the property if he were to be the Bid winner. Mr. Pfender stated he loves the entire property and the history it represents. He stated he and his wife have every intention to devote all of their available resources to the restoration of the barn and the property in general. He stated he recognizes that the Township is having a difficult time and wants to get out of the real estate business, but he questions if they want to do it at the expense of eliminating a good part of the history in the Township.

Mr. Truelove stated the Township is essentially making a counter offer which is consistent with the original Bid specs. He stated the Board is indicating that they will accept the high Bid with no Conditions. He stated in the Bid specs, demolition/alteration was included.

Mr. Pfender stated he recognizes that this is part of the Bid specs, and he recognizes that his Addendum is open-ended. He stated he can assure the Board that they are very passionate Bidders, and they have every intention of devoting all of their resources to restoring the property. He stated he is not sure that the other side conveys that same

message. He stated he would like to know what the historical interests have to say about this. Mr. Smith stated the Historic Commission was invited to attend the meeting this evening.

Ms. Bethann Mueller, the other Bidder was present, and stated their intent is not to take down the barn. She stated the language was drafted in the event that the barn was beyond repair. She stated they have not inspected it, and it has been vacant for ten years. She stated they have safety and insurance concerns. She stated their goal is not to take it down. She stated they love the property as much as the Pfenders, and their intent is to promote and extend the life of the property as it has been and to make it better. She stated they are very excited to take on this property, and they do accept the Township's Conditions.

Mr. Pfender stated if their position is that they have no intention of removing the barn, then they might be agreeable to removing the Addendum. Mr. Stainthorpe stated the Board is not accepting any Conditions, and Mr. Truelove stated Ms. Mueller has indicated that they accept the fact that the offer has been made without Condition.

Mr. Craig Calabria, 1500 Miller Place, was present. Mr. Smith stated Mr. Calabria was on the Commission that had worked on Elm Lowne. Mr. Smith asked what proposals they came up with for the property so that they could maintain the historical nature to the best of their ability. Mr. Calabria stated Ms. Jennifer Stark came up with a Plan and drafted several overlays for this property; and the intent was to protect the integrity of the property so that it would be left in one piece, that the house could be restored, and there were some fascia concerns so that exposures to viewable areas would be maintained. Mr. Truelove stated façade easements were included for the views that are visible for the two roadways.

Motion carried unanimously.

ANNOUNCEMENT REGARDING UPDATE ON COMMONWEALTH GRANTS FOR PARK & RECREATION AND DISCUSSION OF "CENTER" PROPOSAL

Mr. Smith stated he recognizes that a number of people are present to discuss this matter, but they are still waiting for one individual to arrive to speak on this matter.

Mr. Truelove stated the Board of Supervisors met in Executive Session prior to the meeting and discussed issues involving real estate, litigation, and collective bargaining.

APPROVE REVISED/AMENDED FINAL PLAN FOR THE REGENCY AT
YARDLEY

Mr. Edward Murphy, attorney, was present with Mr. Greg Glitzer, Mr. Eric Clase, and Mr. Greg LaGreca. Mr. Truelove stated this is a portion of the Matrix property and is the proposed Residential development. He stated this has gone through many phases of review.

Mr. Murphy stated in May of 2010, Toll Bros. purchased from Matrix the single-family section and the carriage home section of the overall Octagon Center project. He stated in mid-summer, they met with the Planning Commission and the Supervisors to review, on a Sketch basis, some proposed changes Toll desired to make to each of those Sections. He stated they received encouragement to continue to pursue those revisions, they have engineered the changes, and these are in the Amended Final Plan that is before the Board this evening. He stated the Plan went through the review process, and the Planning Commission most recently recommended Approval of the Revised Plans subject to a number of Conditions which Mr. Truelove has outlined in his draft Approval letter.

Mr. Murphy stated the Applicant indicated they would comply with most of the review comments with a few exceptions. He stated yesterday morning they received a review from the Environmental Advisory Council (EAC) that commented on various aspects of the Plans focusing principally on stormwater related issues. Mr. Murphy stated in response to the EAC comments, Mr. Majewski requested from the project engineer some additional calculations and analysis of the stormwater implications that were highlighted in the EAC review. Mr. Murphy stated he has been advised that Mr. Majewski has reviewed and accepted these calculations.

Mr. Murphy stated Mr. Glitzer has a highlighted plan to show this evening. Mr. Glitzer showed the single-family section including the changes to the road which provides a better sense of community and is more efficient in terms of impervious surface. He also noted a road that has been replaced with a multi-use trail. He stated that the extension of North Street to the Matrix condominium section has been replaced with a combination multi-use trail and emergency access. He stated the Club House has been scaled down to something more appropriate to the overall size of the community. He stated they have added fifteen single-family homes in this section. Mr. Glitzer showed a Plan of the south side which has fewer changes. He showed where streets have been eliminated and how some lots have been turned to front on the main roads.

Mr. Glitzer showed the Plan for the overall project. He showed the location of the condominium section which has been retained by Matrix as is the office section. He showed the location of the recently-developed retail section which is not part of the Amended Final Plan.

Mr. Glitzer stated they have updated the stormwater management mostly on the north side to increase the number of rain gardens and increase the low impact approach to the stormwater management plan. He stated they have a total of thirteen rain gardens on the north side supplemented by two wet ponds and a created wetlands stormwater management feature.

Mr. Stainthorpe asked how many additional townhouses are proposed, and Mr. Glitzer stated there are six. Mr. Stainthorpe stated there will be an additional twenty-one homes, and Mr. Glitzer agreed. Mr. Murphy stated the Settlement Agreement contemplated a maximum of 200 singles, 200 carriage homes, and 200 condominiums. He stated the Plan before the Board contemplates no change in the condominium section since Matrix still owns that portion. He stated the Plan before the Board proposes 191 singles and 186 carriage homes so they are still within the limits of the Settlement Agreement. Mr. Stainthorpe stated there is a total increase versus the Approved Plan of 16 singles and 6 town homes, and Mr. Murphy agreed.

Mr. Murphy stated they have also been able to preserve an additional two and a half acres of wooded areas principally along Oxford Valley Road, and Mr. Glitzer showed this on the Plan. Mr. Glitzer stated Mr. Majewski had suggested that they try to save these Woods, and they were able to do this. Mr. Glitzer also noted some additional areas where they have been able to save patches of woods.

Mr. Stainthorpe asked how significant are the changes in this Plan versus the previously-approved Plans in terms of the stormwater management. Mr. Glitzer stated there were few changes to the south side, and they still rely on a series of basins with some changes in the shape. He stated in some areas they are relying on infiltration. He stated on the north side they have added four additional rain gardens and increased the sizes of the rain gardens. He stated they also reconfigured one basin as a permanent pond. He also noted a feature in the Club House area which serves as a decorative pond and a stormwater function as well.

Mr. Stainthorpe asked the overall change in impervious surface. Mr. Glitzer stated while they have an additional two acres of impervious, they have a stormwater system designed to accommodate the maximum product option offered by Toll. using all the options and the largest footprint for every house. He stated they do not feel that this will occur, and the existing trends they have seen from the sales efforts show average to below average for the options; and they feel they will be able to return another acre of impervious back into the Plan. Mr. Murphy stated the Approved Settlement Plan did not design its storm sewer system as if every unit on that Plan would be fully developed to the maximum impervious per lot that would be allowed. He stated that Plan contemplated something less; and if the impervious increased above what was designed for that Plan, additional stormwater measures were going to have to be provided. He stated they are taking the opposite approach and designing as if everything would be fully built out knowing this

is unlikely. He stated the handful of sales that have occurred so far demonstrate it will not be that way. Mr. Maloney asked if the Settlement Plan contemplated the stormwater system that was going to be installed on the basis of the smallest or average dimension. Mr. Glitzer stated the Matrix product contemplated a proto typical product as shown on that Plan. He stated it did not allow for any product variation in stormwater management. Mr. Maloney asked how much would vary from that prototype to a fully-loaded house per lot; and Mr. Glitzer stated it would be about 15% to 20% of the base. He stated that was not based on a Toll product.

Mr. Zachary Rubin stated he would like to rise to a privilege of the assembly. He stated the room is filled with people who want to discuss Items V and VI on the Agenda. He stated the gentleman they were waiting for has just arrived. He asked that the current matter under discussion be tabled so that they can move on the Agenda items that the majority of people, some of whom are older, are present to discuss. Mr. Smith stated they will proceed with the matter currently under discussion.

Mr. Maloney asked Mr. Majewski if he is comfortable with the stormwater plans; and Mr. Majewski stated after he received the EAC review letter, he discussed it with the Applicant's engineer and with Mr. Goll from the EAC. Mr. Majewski requested that the Applicant's engineer provide some additional calculations. He stated the EAC was concerned about what would happen if some of the infiltration capacity of the basins did not work, and the Applicant's engineer re-ran the calculations assuming that there was no infiltration on the site; and after they re-ran them, the project still worked, and they meet all the requirements.

Mr. Maloney stated there was also an issue about how quickly the basin was discharging; and Mr. Majewski stated they did some additional calculations on this, and they did show that the basin does drain slowly, and they have demonstrated that they have met the requirements of the Ordinance. Mr. Maloney asked if there were other concerns about stormwater raised by the EAC; and Mr. Majewski stated they also indicated that the retail site where the PNC and CVS are located, does not appear to be draining properly. Mr. Majewski stated they moved in the spring, and at that time they still had some of their erosion and sediment control measures in place within the basins as you are not allowed to remove them until there is good grass growth; and because of the drought, they were not able to get this. Mr. Majewski stated in the fall he requested that they convert the detention basins and re-seed them. He stated they also had to do some work on the rain gardens. Mr. Majewski stated last week Matrix removed some of the erosion and sediment control measures and started to do the conversion of the basin; however, they did not complete that work. He stated he met with a Matrix representative yesterday to go over some of the specific concerns raised by Mr. Goll about his observations of the site, and they intend to address that as soon as the rain stops.

Mr. Maloney asked if the EAC had other concerns about the proposed changes for this Plan under discussion this evening. Mr. Majewski stated when he had discussions with Mr. Goll, Mr. Majewski advised him that he did not feel you could project a five acre part of the site over the entire 180 acres, and indicate that if there is a problem on the five acre part, that you will necessarily have problems elsewhere. Mr. Maloney stated the problem with the CVS parcel is that it is the same engineer that was involved even if it is a different developer. He stated they also had problems with the trees; and even if it is a different owner, he is skeptical about their ability to succeed since they had problems with the five acre site, he is concerned they will have problems with the 170 acre site. He stated he wants to make sure that they get it right and that their concerns get addressed now. Mr. Majewski stated he feels they have met all the stormwater concerns for the Toll site. He stated he requested that they re-run the calculations because of the concern with the CVS site. He stated even if they do not get infiltration, the site will still work. He also noted that during construction in the Development Agreements they typically reserve the right to require that the developer install any additional stormwater management features that the Township feels are necessary for any unforeseen circumstances that arise.

Mr. Truelove reviewed a proposed Motion for approval of the Plan. Mr. Murphy stated any Approval this evening does not impact the existing condominium section that Matrix still controls. Mr. Murphy stated there was a discussion at the Planning Commission meeting about a recommendation from the Township's traffic consultant that a sidewalk be installed along either or both sides of Big Oak Road. Mr. Murphy stated he had indicated, and the Planning Commission agreed, that the Settlement Agreement does not call for a sidewalk and no one believes, given the character of Big Oak Road, that there should be a sidewalk. He stated to the extent that there was a recommendation that there be a sidewalk or a fee-in-lieu of the sidewalk, the Applicant indicated that this is inconsistent with the Settlement Agreement. Mr. Murphy noted paragraphs 4 and 7 of the Township traffic consultant's review of 11/3 suggested modifications to design standards for the roadways which had previously been agreed upon in the Settlement Agreement and incorporated into the Plans, and the Applicant indicated that they would maintain the existing standards previously approved. Mr. Truelove stated the Planning Commission memorandum does discuss this, and he added that all the other projects which have been approved for Matrix dealt with the sidewalk issue similar to what Mr. Murphy has indicated.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve the Revised and Amended Final Plans for Regency at Yardley (formerly Octagon Center) Plans dates 7/14/06, last revised 9/9/10 subject to the following Conditions:

1. Compliance with Settlement Agreement dated 5/18/06 by and between Matrix/AEW Acquisition LLC, Residents Against Matrix, Dana Weyrick, Bellemead Development Corporation, and the Township of Lower Makefield;
2. Where applicable, compliance with the First Amendment to the Settlement Agreement referenced, above, said Amendment dated 2/18/09 by and between Matrix/AEW Acquisition, LLC, Residents Against Matrix, Dana Weyrick, Bellemead Development Corporation, and the Township of Lowe Makefield;
3. Compliance with Lower Makefield Township Planning Commission Memorandum dated 11/9/10, with reference to all Conditions referenced therein, and in compliance with all attachments to same, except with reference to the 11/3/10, TPD report, and compliance with Comment 4, as is referenced in comment 10 below;
4. Compliance with traffic plan review memorandum of Captain Thomas Roche, Lower Makefield Township Police Department, dated 9/22/10;
5. Compliance with review letter of Thomas P. Gillette, Director of Physical Plant and Facilities, from the Pennsbury School District, dated 10/6/10;
6. Compliance with review letter of James V.C. Yates, Fire Protection Consultant, dated 10/10/10;
7. Compliance with review letter of James R. Majewski, PE, PP, of Remington & Vernick Engineers, dated 10/18/10;
8. Compliance with Historical Commission review letter dated 10/21/10;
9. Compliance with Bucks County Planning Commission review memorandum and attachments, dated 10/22/10;

10. Compliance with the most recent review letter from Christy Staudt, P.E., and Heather L. Sherk, AICP, PTP, from Traffic Planning and Design, Inc. dated 11/3/10, except that compliance with comment 4 is not required;
11. Compliance with review letter of sewer and related issues from Danielle M. Farrell, P.E., Remington, Vernick & Beach Engineers, dated 11/3/10;
12. Receipt of all Permits and Approvals by any agency having jurisdiction over the Application including, but not limited to: The Bucks County Conservation District, The Pennsylvania Department of Transportation, and The Pennsylvania Department of Environmental Protection;
13. Compliance with all applicable provisions of the Lower Makefield Township SALDO and Zoning Ordinances;
14. Compliance with all applicable Stormwater Management Regulations, Ordinances, and Statutes, including but not limited to the Delaware River South Watershed Stormwater Management Ordinance (SWMO);
15. Execution and compliance with the Development Agreement signed and approved after approval granted herein;
16. The Applicant shall pay all required and appropriate fees associated with this project;
17. This approval letter and reviews related to same do not impact the condominium development phase to be conducted by the Matrix/AEW Acquisition.

Mr. Harold Koopersmith, 612 B Wren Song Road, stated on several prior occasions he has risen and asked first Matrix and then Toll to fix Oxford Valley Road. He stated it has been at least a year; and to date, they have done nothing. He stated they should fix the road to the way it was before they started the project.

Mr. Geoff Goll, 5 South Homestead Drive, stated he is a member of the EAC and was the primary author of the review letter. Mr. Goll stated while the Applicant has indicated that the EAC just submitted their letter yesterday, they were asking for over a month for detailed information regarding the hydrology calculations and output data; and he thanked Mr. Maloney for stepping in and asking that this information be provided to the EAC. He stated he finally received the information the Wednesday before Thanksgiving and reviewed it all weekend at no charge to the Township. Mr. Goll stated he feels it is interesting that units are being sold even before they have received Approval. Mr. Goll stated the Applicant has indicated they have saved two acres of woods, but he stated they are adding two acres of impervious surface so this is no improvement. He stated the Applicant has indicated that they do not assume that the purchasers will use the maximum impervious allowed, but he questions what homeowner does not go to the maximum especially on such small lots. Mr. Goll asked Mr. Majewski if they went from the one year to the one hundred year event when they did the infiltration calculations, and Mr. Majewski stated they did.

Mr. Goll stated he is a professional engineer and has empirical data to show that the proposal before the Board does not offer enough data to show that it will work. Mr. Goll stated he is not against the development but he wants to make sure that all the stormwater management procedures are followed properly. He stated he feels it is important for Toll Bros. to understand the potential implications if the basins do not function properly.

Mr. Goll stated he has observed the CVS infiltration basins working after some rain storms and took some measurements. He stated the width of the rain gardens are half the width they are supposed to be. He stated after they fixed the rain gardens, there was still rain in the rain gardens for over three to four days after a quarter inch of rain fell. He stated a few weeks ago, there was .4 inches of rain, and it took the infiltration basin 120 hours to empty out to the level of the sump in the inlet. He stated the Applicant had claimed that those infiltration basins would empty in 18 hours. He stated they also used that infiltration rate to attenuate all their peak flows. He stated he does not feel the basins are working as they should be. He stated it appears that the contractor was concerned about the infiltration rate at the CVS basin since he has installed a buried stone area around the outlet structure and punctured five to six holes in the basin, and will by-pass the basin. He stated he understands that Mr. Majewski is working to get this corrected. He stated this shows that the contractor does not believe that the basin will infiltrate as it should. He stated he is very concerned about mosquitoes there next summer.

Mr. Goll stated these BMPs on the CVS site are similar if not the same as those proposed for the Toll Bros. development. He stated some of the basins are 8,000 square feet in size; and he is concerned that in this age-restricted condominium association where rain gardens and basins are not draining and there will be standing water which will result in mosquitoes.

Mr. Goll stated he and Mr. Majewski have a professional difference of opinion as Mr. Majewski has indicated that there is a difference between the CVS/PNC side and the Toll side. Mr. Goll stated they both have the same soil types. Mr. Goll stated he does not feel they are in compliance with the Ordinances, and they are diverting flows from Brock Creek to Mill Creek which will negatively impact both creeks. He stated he does not feel they comply with the Ordinance requirement to minimize impervious surfaces since they have added two acres. He stated the Ordinance also requires that all stormwater should be pretreated for water quality prior to discharge to surface or groundwater. Mr. Goll stated he has calculated that there is a total of eleven acres that is not controlled or treated, and of that, he believes nine acres is leaving the site completely untreated without any controls.

Mr. Maloney asked if this is a flaw in the original Settlement Agreement, and Mr. Goll stated there were certain areas that were not accounted for in the Settlement Agreement. He stated there are large tennis courts in the area around the Club House where water is leaving the site untreated; and this area is about two acres. He also noted the entrance road on the north side where there is a section of the asphalt road that is untreated.

Mr. Goll stated there are stream bank erosion requirements in the Ordinance relating to the number of hours required for water to be detained in the basins. Mr. Goll stated he did provide a chart on this and stated basin N1 had no data, but basin N2 drains in fifteen hours which is nine hours less than required, basin N3 drains in eighteen hours which is six hours short, and the pond at the Club House drains in fourteen hours so it is ten hours short. He stated for the basins on the southern side, total drain time was five hours which is nineteen hours short of the twenty-four hour requirement.

Mr. Maloney stated he felt this was the issue where Mr. Majewski indicated he had new numbers that indicated otherwise. Mr. Goll stated he does not feel it is attenuating; and if it is only a small amount above zero, he does not feel that this is meeting the intent of the Ordinance which is to retain and release it evenly over twenty-four hours. He stated if 95% of it leaves in five hours, this is a problem. Mr. Majewski stated the Ordinance does not indicate that you have to have a certain amount in the basin after five, ten, twenty hours. He stated it states that the water fills up in the basin and goes out the outlet structure and slowly drops down and water is still pouring out later so that you have a longer contact time between the water that is in the basin and the ground. He stated the longer that it is in the basin, the more it has a chance to infiltrate and be sucked up by grass and vegetation. He stated it does not indicate that you have to have a certain amount after a certain number of hours. Mr. Goll stated he has prepared a graph on this. Mr. Majewski stated the Plans meet the requirements of the Ordinance.

Mr. Stainthorpe stated he feels a lot of these issues have already been discussed and are part of the Approved Settlement Agreement, and Mr. Goll stated this does not mean that they are incorrect. He stated he did not agree with it then. Mr. Stainthorpe stated the Board's function is not to go back to the original Plan that has already been approved, but to approve the Amended Plan and consider how the Amended Plan effects stormwater. Mr. Goll stated the Amended Plan effects stormwater negatively in his professional opinion as a licensed, professional engineer in the State of Pennsylvania. Mr. Murphy stated this is Mr. Goll's opinion and not the Applicant's or the Township engineer's.

Mr. Goll stated there is a Court Decision which he provided to the Board of Supervisors regarding stormwater management for an Application in Bensalem Township. He stated in that case Bucks County Court of Common Pleas upheld the fact that strict compliance with the Ordinance was a meaningful measure to protect the health, safety, and welfare of the community. Mr. Goll stated he feels the Board should require the Applicant to take more time and provide more soil tests. He stated they have only provided one test for every basin, one of which is 8,000 square feet in area; and a test area is only about 12 inches in diameter.

Mr. Smith stated they do have the right during construction if the Township engineer sees something is wrong, to require the developer to take the appropriate steps to correct problems; and Mr. Majewski agreed. Mr. Majewski stated he does understand Mr. Goll's frustration with the CVS site where they have been waiting for six to nine months for them to fix some of the deficiencies. He stated they have indicated that they will address these shortly. Mr. Goll stated he is concerned that they will not be able to fix the problems on the CVS site. He stated he feels they should design the project under discussion correctly since by the time it is done, it will be too late as there will be four hundred homeowners on the site.

Ms. Virginia Torbert, Citizens Traffic Commission, stated with respect to the process, this is another situation where the developer can delay providing information to the volunteer Commissions who are then forced at the last minute to give the Board information. She stated the Planning Commission also did not have the benefit of this information, because the EAC was still asking for information.

Ms. Torbert stated with regard to traffic, the intersection of Big Oak Road and Oxford Valley Road is a nightmare trying to get through. She asked if they can be advised what improvements are going to be made to this intersection. She stated at the last meeting, Mr. Majewski was instructed to inquire as to the timetable for completion of the road improvements. She stated she has since discovered that contrary to what she and some Board members have been led to believe, it is not a requirement that the developer complete the road improvements prior to beginning construction. She stated she has learned that all they have to do during the first Phase of the development is to begin construction of the improvements.

Mr. Murphy if the Plan is approved, there will be a pre-construction meeting in December; and they would start to do the improvements on Oxford Valley Road and Big Oak Road consistent with the Settlement Agreement sequence. He stated they anticipate that the work would be done by mid-summer.

Ms. Torbert asked if the Revised Plan took into account what is now happening on Big Oak Road with the narrow two-lane road and no shoulders, and construction workers working on the office site with orange cones at the edge of the road. Mr. Majewski stated he feels Ms. Torbert is concerned that during construction the office site traffic will be going in and out, and they will be trying to do road improvements at the same time which might create a hazardous situation. Ms. Torbert stated they are required as part of the Plan to lay this out in sequence. She asked if they have done this based on the current conditions, and Mr. Majewski stated this issue would be addressed at the pre-construction meeting. He stated they started paving the interior roads at the office site today; and once they are paved, they can get a lot more of their vehicles in and on the site as opposed to being at the edge of the site which will improve traffic flow. Ms. Torbert stated they will still have to use the two-lane, no shoulder road to get there, and Mr. Majewski agreed that this is the road that is in place now.

Ms. Torbert stated while she understands there is a Settlement Agreement, the description of the road improvements is a footnote; but Mr. Majewski stated there are detailed Plans on the road improvements. Ms. Torbert stated she would like to know the specific road improvements to be made. Mr. Majewski stated they are going to complete all the road improvements that are on the Approved Plans. Mr. Murphy stated these are also the subject of detailed PennDOT Permits that have already been issued that incorporate the same improvements and sequence as outlined in the Settlement Agreement. Mr. Majewski stated when they first did the CVS, Matrix requested relief from doing all the road improvements at the time because they were just doing the work at the corner. He stated this also extended to the office; however, for the main part of the development, they have not requested any relief from this, and it is their intention to do this as soon as possible which is why they had the Development Agreement for this signed last week. He stated they know that this is a major piece of work for the entire operation; and the sooner they get started, the better it will be for when they begin building the units.

Ms. Torbert asked if they are going to complete the road improvements before they start constructing the houses, adding they have already sold some of the houses. Mr. Majewski stated he is not stating this, and the Settlement Agreement states that they have to do the road improvements as part of the initial construction so it is going to start concurrently. He stated it will be quite some time before the houses go in, and he feels the road improvements will probably be done before any of the houses are occupied. Ms. Torbert asked what is Toll's first phase of development. Mr. Murphy stated they have already indicated that the single-family section will be built first, and they will not

do the carriage homes on Big Oak Road for another year or longer. Ms. Torbert asked how long it will take to build the single homes, and Mr. Murphy stated it will take years. Ms. Torbert stated theoretically they could take years to complete the road improvements, but Mr. Murphy stated the road improvements will be done by next fall at the latest. He stated they had hoped to generate some revenue for the Township in 2011, but this looks increasingly unlikely.

Ms. Torbert asked how many additional turning lanes are included on Oxford Valley Road at Big Oak. Mr. Murphy stated they will follow the PennDOT Permits that have been issued.

Ms. Torbert asked if the intersection of Tall Pines and Oxford Valley Road has been changed from the original Plans, and Mr. Majewski stated it has not other than the fact that they want to put in a gated community entrance inside the development. Ms. Torbert stated there are also some islands which have been changed as referenced by TPD, and Mr. Majewski stated this is once you are inside the site and not out on the road.

Ms. Torbert stated she understands that the developer is in a hurry to put the development in, but she believes that the Board has a responsibility to look out for the health, welfare, and safety of the residents. She stated this process is not giving the professionals time to look into this. She stated in the TPD letter, they were not asking the developer to put in sidewalks, but were asking them to engineer the site so that if sidewalks were put in the future, it would be possible; and she asked if the developer is willing to do this. Mr. Murphy stated they are not.

Mr. Dave Kelliher, 591 Aspen Woods Drive, asked if there is a way for someone to walk from the north side to the south side or any way to cross Big Oak. Mr. Stainthorpe stated the large portion in the middle is going to be developed by someone other than Toll; and whoever picks up the middle portion of land, would have to address this. Mr. Kelliher asked how pedestrians would move about in this area noting that people do like to walk and may want to take advantage of the Club House. Mr. Glitzer noted the location of the multi-use path which would take you down to the Condo section. He stated the townhouses have sidewalks on both sides of the internal roads, and there are sidewalks on both sides of the larger internal roads in the north side as well as several opportunities to make loops of varying sizes depending on how much you want to walk. Mr. Kelliher asked about crossing the intersection at Big Oak if someone wanted to walk to Kohl's noting there is currently a sign that says "No Crossing;" and he asked if this will continue to be the case. It was noted you would have to drive across the street to Kohl's.

Mr. Maloney stated he plans to vote no on this because he feels they should be asking them for an extension. He stated he feels the request of the EAC was reasonable, and the fact that the EAC had five days with the document is unacceptable. He added that Mr. Murphy had indicated he would call him, and he never received a call from

Mr. Murphy. Mr. Maloney stated he feels it sets a continually bad precedent for the Township to be approving these things. He stated CVS is an example of where Conditional Approvals have failed. He stated they are a year out, and a five acre parcel is still broken. He questions that they will be able to get the 188 parcel right.

Mr. Smith stated he feels this will eventually be a very nice project for the Township, but agrees with Mr. Maloney and feels the EAC deserves more time; and he would like to have 60 days for everyone to review this again.

Mr. Stainthorpe stated he disagrees that there has not been time to review this. He stated this was reviewed in 2006 extensively. He stated a Sketch Plan was put before the Board of Supervisors this past June, and there has been plenty of time to review this. He stated while he will not disagree with Mr. Goll that he did not get detailed information until the last minute, a lot of what they are discussing in terms of stormwater management was already approved in 2006. He stated the purpose tonight is not to re-do that. He stated he feels the scope of the Approval is to approve fifteen new single-family homes and six townhouses and consider their impact on the site; and he does not see the need for further investigation.

Mr. Caiola stated he is willing to support this, but he feels that they will need periodic updates with respect to whether or not the system is working. He stated if it is found that the system is not working, they will need to make improvements before the project is totally built out. He implored the engineers to work closely with each other and with Mr. Goll to make sure that there are not problems with the stormwater system. He stated they need substantial oversight moving forward.

Mr. Smith stated he still sees no reason why they have to approve this tonight, and he would recommend a sixty-day delay to give them more time to review it.

Mr. Gary Cruzan stated a lot of these questions were raised years ago, and he does not feel the Township should delay this project. He stated this is the most reviewed project in the history of the Township. He stated Toll Bros. did not do the CVS project so they cannot be held responsible for this. He stated Mr. Goll had these same questions years ago, and they were addressed at the Settlement Agreement stage. He stated the Township engineer has indicated that he is satisfied.

Mr. Stainthorpe asked what they would do if they had a sixty-day extension, and what would they be looking for that would be new and different. Mr. Maloney stated he feels that in the interim, they should revise the Plans to actually meet the criteria rather than adjusting the Plan as they go to meet the criteria. Mr. Stainthorpe stated what he is stating is they should reject the previously-Approved Plan, and make them go back to the beginning. Mr. Maloney stated he is suggesting that they not approve any amendments.

Mr. Maloney stated if they want to build, they have authorization to build one very specific Plan, but he will not authorize any adjustments until they take consideration of the fact that there are serious concerns with what is planned. He stated while it is a different developer, it uses the same engineering protocol. He stated if the infiltration design is flawed, it is going to be flawed on the next site too. Mr. Cruzan stated the Settlement Agreement anticipated that there would be minor changes. He stated he does not consider this a new Application and feels it is an improvement.

Motion carried with Mr. Caiola, Mr. McLaughlin, and Mr. Stainthorpe in favor and Mr. Maloney and Mr. Smith opposed.

UPDATE ON COMMONWEALTH GRANTS FOR PARK & RECREATION AND MOTION TO MOVE FORWARD WITH APPLICATION

Mr. Steve Santarsiero, State Representative, was present. Mr. Smith stated at the last meeting, Mr. Santarsiero made the Board of Supervisors aware of an opportunity to bring Grant money into the Township. Mr. Santarsiero stated these are two Capital Grants from the State, one of which could go to Park & Recreation field construction and the other could go to the building of a Community Center/Senior Center. He stated under the State rules to be able to avail themselves of the money, the Township must put up a local match which could be in the form of a dollar for dollar match that the Township would spend on the projects as well or it could be some other value that the Township has previously expended that the State finds acceptable to meet the local match requirement. He stated one of the questions raised by Mr. Stainthorpe at the last meeting was whether there was some expenditure that the Township had made, specifically with respect to the Samost Tract, since this is one of the areas where the Township is looking at to use the Park & Rec field money, which could be used as the local match. Mr. Santarsiero stated in 2008, the Township completed the purchase of the Samost Tract and spent slightly more than \$1 million to do so. Mr. Santarsiero stated they have advised the Board that the State does accept that purchase as the local match for the one \$1 million Grant so the Township can get that \$1 million from the State without having to spend any additional money. Mr. Santarsiero stated this will enable the Township to do the Park & Rec field work which he understands at the minimum will be construction of two baseball fields on the Samost Tract.

Mr. Santarsiero stated the second piece has to do with the \$1 million for the Community/Senior Center. He stated the rules are the same. He stated the Township has yet to be able to identify any potential previous expenditure that might qualify as a local match, but this does not mean that there is not one; and it is possible that one could ultimately be found and qualify the Township so that they would not have to spend any money for that as well.

Mr. Santarsiero stated the first step is for the Township to provide the State with some evidence that there is a local match available – not necessarily money that will be committed, but it could be used for fulfilling the local match requirement. He stated with regard to the Senior/Community Center, this could mean advising the State that there is \$1 million in an account that could be used for this purpose, although they are not committing it for that purpose. Mr. Santarsiero stated that, along with a brief description of the project would be enough to satisfy the State to take the next step which is to enter into a Contract with the Township whereby the State agrees that should the Township move forward with the project, it will match on a dollar-for-dollar basis, the project up to \$1 million. He stated tonight the Board does not have to make a decision on exactly how they will move forward with a Senior/Community Center; and they only have to decide whether they should take this step in the process to get to a Contract before the end of the year that would then put the Township in a position where they could have access to the State money.

Mr. Santarsiero stated if the Board enters in to the Contract, they will have approximately six months before they would have to begin some kind of work on the construction of a Center. He stated this six months would provide the Board with ample time to look into alternatives including whether there is a local match by virtue of a previous expenditure or if not is there some way to get money that would not cause the Township to have to raise taxes. He stated they also need to determine where and how they would like to have the Center either using an existing structure such as the Patterson Farm barn or build a new structure. He stated another option would be a decision not to move forward with the project. Mr. Santarsiero stated he would recommend going to the next step since it keeps their options open. He stated with regard to the project at the Samost Tract, he feels they should go forward with this adding that Mr. Fedorchak has already provided him with a copy of the check that was used to complete the purchase of the Samost Tract, and has worked with his associate on a draft description of the project.

Mr. Santarsiero stated with regard to the Senior/Community Center, he feels they should authorize Mr. Fedorchak to send a letter tomorrow to the State certifying that there is \$1 million in Township funds that could be used to fulfill the local match requirement, recognizing that they are not committed to that. He stated with respect to the field project they should provide the description of the project in general terms. He stated they can execute the Contracts without taking on any obligation for the Township to spend any money, but this starts the six month period during which the Township can do a thorough analysis. Mr. Santarsiero stated he feels they should keep their options open as they do not know tonight whether there could be some other vehicle for the local match or some other money that could be used to create the Community/Senior Center. He stated if the Board ultimately decides that they do not want to proceed, they can advise the State that they are not proceeding. Mr. Santarsiero stated if they were to choose one of the Patterson Farm buildings for the Center; and if it were determined that the purchase of

the Patterson Farm or some piece of that could be used for the local match, they would have \$1 million from the State that would not only enable the Township to create a Community/Senior Center but also renovate a building that for years has been under consideration of what to do with the buildings and how to come up with the money to put them in good functioning order so they are no longer a burden for the Township.

Mr. Stainthorpe stated with regard to the recreation piece, he agrees that this is a way to move ahead with this project. He stated this is a way for the taxpayers in Lower Makefield to get back some of the money that they have sent to Harrisburg. He stated he is concerned about the Community/Senior Center project that once the monies have been allocated to the Township, there could become an inevitable movement to proceed and they could make a bad decision where they have to borrow money and raise taxes.

He stated he wants to be cautious. He stated they are also looking at a fairly large liability on the Golf Course and may have to come up with an additional \$3 million.

Mr. Santarsiero stated he does not feel that they need to be concerned about the “inevitability,” as he feels the Board will do their due diligence and decide after looking at all the fact what makes sense. He stated he feels the greater danger is if the Board forecloses itself tonight from having the chance to make this analysis. He stated he knows that if the Board does not feel it is an appropriate expenditure for the Township, they will not proceed. He stated he feels that there is a good chance that they can come up with some kind of a local match for all or a good portion of the money.

Mr. Santarsiero stated if they quickly find out that they cannot meet the local match, the Township could indicate before the six months is up that they do not want to proceed; and any potential pressure to proceed would not then build up.

Mr. Stainthorpe asked if the Township has \$1 million in an account, and Mr. Fedorchak stated he feels they could state this looking at the projected year end balance for the General Fund and what is in the Capital Reserve.

Mr. Caiola stated he is very pleased about the Samost project. He stated he is pleased that there are options for a Senior/Community Center, and this gives the Board time to consider a way to proceed where they do not have to spend any money. He feels the Board will do the right thing, and he does not feel that he will be pressured by June to have to go out and borrow the \$1 million as he would not be inclined to do that. He thanked Mr. Santarsiero for bringing this opportunity to the Township. He stated Mr. Steil and Mr. McIlInney and others were also successful in getting Grant money for the Township in the past.

Mr. McLaughlin stated he feels they should proceed with Samost as he is now convinced that there is a need for more facilities. He stated he is more hesitant about the Senior/Community Center, and is concerned that once they know the money from the Grant is there, they will continue to do it at all costs. He stated while he is willing to move forward to keep the options open, he will not support incurring any type of debt to match

the second million for the Community/Senior Center. He stated if they cannot find an in-kind contribution like they are doing with the Samost Tract or a private donor, he will not support it if they have to raise money via debt.

Mr. Maloney stated he is ecstatic that they are all in favor of moving ahead with Samost. He stated while the Golf Course issue is still outstanding, if the Township does have to pay additional funds, ultimately those funds would have to come from the Golf Course and not the General Fund. He stated he would not be in favor of taking that \$3 million judgment to the taxpayers. Mr. Maloney stated in the case of the Senior/Community Center, he feels this has been a need for twenty years; and he feels they should proceed especially when they have the opportunity to take advantage of the fact that they rarely get money from the State in proportion to the income sent there. He stated he feels tapping into this money will eventually save the taxpayers from having to foot the entire bill. He stated he would support incurring some debt for this purpose, but feels they should explore everything first; and if there is an in-kind contribution, they should take advantage of this. He stated he would be in favor of the use of the Patterson barn for this purpose. He stated they should also look into the sale of some of the Township's assets, like Elm Lowne which was approved tonight, to fund this.

Mr. Smith stated he is proud of the Township that they were able to come up with a Budget that will not increase taxes, and he would not want to see anything disturb this. He asked Mr. Santarsiero if the monies they may receive from the State for the recreation part are all pinpointed to Samost or could they be used elsewhere if they see that there is a need for other recreational uses. Mr. Santarsiero stated they are not required to be spent at Samost. He stated what Mr. Fedorchak had originally drafted was the idea of doing the two baseball fields at Samost; and he would advocate for that since he feels there is a need for this. Mr. Smith stated if they were to do those fields, there would still be money left over that they could use for other recreational needs in the Township, and Mr. Santarsiero agreed. Mr. Santarsiero stated there was discussion about an inclusive playground. He stated he would recommend that they take advantage of the Park & Recreation Board as they have been looking at those needs for a number of years. Mr. Smith stated Ms. Lisa Huchler-Smith went before the Park & Recreation Board asking that they consider an inclusive playground in the Township preferably at Memorial Park. Mr. Santarsiero stated they would not be prohibited from doing that. Mr. Santarsiero stated in addition to Samost, the Stoddart Complex also needs work because there are drainage and safety concerns at that location.

Mr. Smith stated he is concerned with the comments made that they need to do this immediately before the Governor leaves office, and added he will not vote for anything that will add one cent to the Township's debt for 2010 or 2011 for this. He stated he does not feel the conditions warrant a tax increase for these items. Mr. Smith stated before he votes to construct ball fields, he wants to make sure that the Seniors are protected and get

something. He stated the Township already has ball fields in the Township, but they do not have a Senior Center. He stated he also wants something for the mentally and physically disadvantaged children in the community.

Mr. Santarsiero stated the debt issue is not in front of the Board this evening, and this should not be a reason not to go forward to look into this. Mr. Santarsiero stated he wants the Senior Center/Community Center as well, and this is why he fought to have it included in the Capital Budget Bill. He stated before he heard about the inclusive playground, he felt the most pressing needs were to try to do something for the Seniors and to try to get the fields done. Mr. Santarsiero stated he is in favor of Mr. Cruzan's proposal which he will discuss shortly; and if that can work, he feels the Board should go forward with that. He stated the Board may still decide that they may want to take advantage of the other \$1 million for another Center if they can find a local match without having to spend additional money.

DISCUSSION OF "CENTER" PROPOSAL

Mr. Gary Cruzan, 729 Stewart's Way, stated he met with the Board of Supervisors to discuss developing a free Senior Center on a five acre site that RAM negotiated with Matrix as part of the Settlement Agreement. He stated this would be a Senior Center and not a Community Center. He stated this parcel is located at Old Oxford Valley Road and Robert Sugarman Way (Big Oak Road). He stated the Settlement Agreement also called for a 2,500 square foot picnic pavilion to be built on the site which would be outside the Center. Mr. Cruzan stated in addition, they negotiated for Matrix to donate \$1 million to the immediate area as the Residential project was built. He stated originally they were going to allocate that to widening the bridge over I-95; but he stated this is a Federal and State project that could take decades. He feels those funds could be used for a Senior Citizens Center.

Mr. Cruzan stated that no State or Township funds would be needed to fund this Center so there would be no tax increase. Mr. Cruzan stated he envisions that the Center would be owned by a new 501C3 non-profit corporation, and he feels the Center could pay for its own operating expenses when completed by charging reasonable fees for use when the Seniors are not using it. He stated the Senior Center organization should also be willing to raise some operating funds annually, and this would give them an on-going project that he feels they would enjoy. Mr. Cruzan stated while many details need to be worked out, he feels this is a better option than building a Community Center with matching funds that the Township does not have. Mr. Cruzan stated many Municipalities are facing very serious Budget problems, and he does not feel the out-going Governor should be giving away taxpayer funds when the State of Pennsylvania has a \$4 billion shortfall which will probably result in new taxes.

Mr. Cruzan stated the five acre site is one and a half times the combined site of the CVS/PNC site. He feels the rest of the property could be a park. He stated he is willing to volunteer his time to make this happen, and he stated he has over twenty-five years of experience in real estate development.

Mr. Santarsiero stated he appreciates Mr. Cruzan's proposal and he hopes that it will work to fill this need. He stated he does want it to be made clear that the money from the State is Capital money, and is not part of the General Fund or part of the \$4 billion Budget deficit. He stated every year the State spends money on Capital expenditures; and it has no impact on what happens with all the other line items in the General Fund. He stated just like corporations need to invest, the State also needs to invest. He stated often those in the suburbs do not get their fair share, and this is an opportunity for the Township to do so. He stated he does support what Mr. Cruzan is doing, but added they could proceed in tandem to see what the options are.

Mr. Stainthorpe stated he agrees that they have six months before they have to decide, and this six months can be a period when Mr. Cruzan's idea could be fully developed. Mr. Stainthorpe stated to make this work, they would have to modify the Settlement Agreement. Mr. Stainthorpe stated those funds are technically the Township's money being put in escrow so the Agreement has to be modified so the funds can be used elsewhere. Mr. Cruzan stated he would not want to modify it until they knew that they were going to do this. Mr. Stainthorpe questioned which step should come first since certain steps have to be taken to make sure that what Mr. Cruzan is proposing is viable. Mr. Stainthorpe stated he does think it is viable; and if they can do this with private money and would not need the \$1 million for the State, it would be good that they could save the Township \$1 million. Mr. Stainthorpe stated if the Senior Center is owned by a 5013C, the Township does not have to pay prevailing wage when it is built. Mr. Cruzan agreed, and stated the money would go further building it through a 501C3. Mr. Cruzan stated he feels he will know what can be done in the next few months.

Mr. Smith stated Mr. Santarsiero has indicated that this is coming from Capital Funds as opposed to it being a "pork" project, and he feels this is important. Mr. Smith stated in the last year, there has been an effort by the Seniors to have a "buy-in;" and they have worked actively to raise funds which, if there was a Senior Center, it would not impact the Township. Mr. Smith stated the Seniors have been working with the Budget Committee to come up with a business plan which would be helpful to the Township in not raising any more debt to the Township.

Mr. Cruzan stated the \$1 million regardless of what account it comes from, came from the "pockets" of the taxpayers. He stated it may not affect the deficit right now; but if that \$1 million was not spent, maybe the State could use part of that to revise their Budget and start to fill the \$4 billion hole.

Mr. Maloney stated he agrees with Mr. Stainthorpe that there is a time line, and they need to focus on meeting bench mark time lines so that in the next six months there is a plan. Mr. Maloney stated the Agreement does state that the money whether it goes to the Township or to a 501C3 will not become available until all of the houses are built, and that could be years away. He stated they do have to determine how and if the Settlement Agreement can be amended. Mr. Cruzan stated he is going to start right away to see what can be done.

Mr. Smith moved that Gary Cruzan be authorized to explore, follow up with Matrix and all other Parties; and within the next six months to put together a Plan with all Parties to construct a Senior Center in the Matrix development.

Mr. Stainthorpe stated he feels the Township needs to be involved as they were with the Garden of Reflection; and if there is going to be any quasi-ownership or management, they need to work with the Township Manager.

Mr. Stainthorpe agreed to second the Motion with this Condition.

Mr. McLaughlin stated he would like to see something more concrete not in six months but in sixty days. Mr. McLaughlin stated he would like to know what the project would look like and how much it will cost. He stated they also need a determination on when they can get the money. Mr. Truelove stated they could consider this at their first meeting in March; and Mr. Cruzan stated he will be ready by March 2 or before.

Mr. Zachary Rubin, 1661 Covington Road, asked if the words "Senior Center" are written in any part of the Court Agreement, and Mr. Cruzan stated they are not. Mr. Rubin stated there are two separate basic revenue-enhancing items in the Agreement. He stated there is \$1 million that was set aside to widen the bridge over I-95 contingent on PennDOT putting it on the Ten Year Plan, and he feels they will not do this. Mr. Rubin also stated that every time Toll Bros. sells a house \$1,700 goes directly to the Township as revenue. Mr. Rubin stated he does support a Senior Center for the Township, but he also feels there is a need for a Community Center. He stated a Community Center does not have a constituency here to speak to. He stated he feels they can afford and should look at a Senior/Community Center and not exclude the concept of a multi-purpose building. Mr. Rubin stated he feels under the terms of the Agreement the funds have to be used in that part of the Township, not necessarily within the original Matrix Development. He stated he would be in favor of exploring a Community/Senior Center with the Seniors having priority use of the building.

Mr. Cruzan stated it would be a Senior Center, but the community could have use of it when the Seniors are not using it. He stated it would be called a Senior Center. Mr. Smith stated most of the Seniors would not be there in the evening, and the rest of the community could make use of the facility at times when the Seniors are not using it.

Mr. Jason Simon, 514 S. Ridge Circle, stated he is happy to see that they are moving forward and they will get more ball fields. He stated he is happy to see that the Board of Supervisors recognizes that there is a need for those fields. Mr. Simon asked if the Matrix money could be used as the match for the Senior Center; and Mr. Santarsiero stated while it could, if the money were to come from the State, it would have to be done publicly which means the Township would have to do the work as opposed to the 501C3. Mr. Simon stated he also feels that the discussion of the concept of where the money comes from the State level is moot as they are all taxpayers; and if that \$1 million is not utilized in Lower Makefield Township, it will be utilized at some other part of the State, and he would like to have the Township involved in making something good for the community. Mr. Simon stated he feels there is nothing to lose in investigating all channels available.

Mr. Frank Fazzalore stated for thirteen years he was a Supervisor fighting for what they are discussing tonight. He stated if you belong to an organization in the Township, there are not meeting places available. He stated if they were to borrow \$2 million it would cost each of the families in the Township less than \$1.50 a month. He stated he does not feel they can afford not to proceed on this.

Ms. Sue Herman stated while holding the bottom line as much as possible is a high priority, she also feels it is a high priority to live in a healthy community; and it is important to have Senior and Community Centers as the resulting community connections are important to the wellbeing of the residents. Ms. Herman stated the Seniors have been asking for a Senior Center for years only to be invalidated by the Board's inaction. She stated the Seniors have much to share with younger members of the community. She stated the Center does not need to be fancy. She stated those who have attended the Artists of Yardley functions at Patterson Farm have seen the good feeling that comes from community members of all ages coming together. She stated using the buildings on the Patterson Farm is a gift to the residents. Ms. Herman asked the Board to have the courage to stay flexible in the process. She asked that the Board demonstrate that they understand the importance of community connections and the wellbeing of all residents. She asked that they pursue the option for a Senior/Community Center. Ms. Herman stated if Mr. Cruzan's idea can yield a Senior Center, and this is the way they choose to go, she asked if they could use Mr. Santarsiero's option to build a Community Center since she feels they desperately need both.

Mr. Dave Fritchey, 915 Greenway Avenue, stated he is Chairman of the Park & Recreation Board. He stated the development of the Samost Tract and the creation of a Senior Center have been advocated by the Park & Recreation Board for a long time. He stated he believes there is widespread public support for both of these projects. He stated the Supervisors have indicated their support of these projects in the past and there are three previous Supervisors in the audience this evening who were also in favor of these projects. He stated in the past they had indicated they would like to do these

projects if they had the money; and now they do have an opportunity to get the money to do these projects since there is \$2 million of tax money that Township residents have paid into the State which has a chance to come back to Lower Makefield as opposed to Philadelphia and other Counties throughout the State. Mr. Fritchey stated this is not “pork” in the sense of building a bridge to nowhere that no one needs, and these are projects which is agreed the Township needs. He stated he feels they should keep all options open; and if what Mr. Cruzan is proposing is viable and can be done in a reasonable period of time, he would be in favor of this. He stated the Township has a duty of stewardship to the assets they have, and the Township has millions of dollars in real estate that is part of the Park system that has not been developed for over a decade. He stated these amenities will enhance the community and increase property values.

Mr. Smith reviewed a number of projects that he and Mr. Fritchey worked to get done in the Township over the years. He stated the entire Board wants to make sure that they are exercising their fiduciary duty to the Township residents and not adding to the debt. Mr. Fritchey stated he also feels that part of the fiduciary duty is not letting assets lie fallow.

Mr. Brandon Birkhead, PAA Commissioner, thanked the Board of Supervisors for their time this past year. He thanked Mr. Santarsiero for bringing this to the Township. He stated there are safety and field issues that need to be addressed. He stated this past year PAA had 9% growth; and he added they are the largest in the State of Pennsylvania, sixteenth in the Region in Babe Ruth, and in the Mid-Atlantic region, they are the fourth largest. He stated they increased by 145 players last year. Mr. Birkhead stated he would like to continue to work together with the Township. He stated with the additional fields, he would like to do additional tournaments which brings in revenue to the Township, but would also like to do a Special Olympics for the County/region. He stated PAA is behind this 100%. Mr. Smith stated he is the liaison to the Disabled Persons Advisory Board, and he will convey this information to them.

The Motion was re-read as follows: Mr. Smith moved and Mr. Stainthorpe seconded to authorize Gary Cruzan to work with Mr. Fedorchak, Matrix, and all other Parties and no later than March 2 put together a Plan to construct a Senior Center in the Matrix Development. Motion carried unanimously.

Mr. Stainthorpe moved and Mr. Caiola seconded to move forward with the Grant for the Samost Tract and Application as provided by Mr. Santarsiero’s office.

There was discussion on whether they should include specific projects for this, and Mr. Santarsiero stated he will work with the Township on this and the Board will ultimately sign off on the description, but he does not feel this has to be part of the Motion this evening. Mr. Stainthorpe stated they had previously outlined ball fields, rehab of the Stoddart field, and rehab of tennis courts; and he is not sure they can do all

of these so he does not feel they should specify anything in the Motion other than to accept the Grant and move forward with the Application. Mr. Santarsiero stated they will work with the Township to give them the maximum flexibility. Mr. Fedorchak stated they had looked at the ball fields, rehabbing Stoddart field, and rehabbing the tennis and basketball courts by the Pool. He stated this was about \$800,000; and the number for the inclusive playground was \$200,000, so this would bring them up to the \$1 million.

Motion carried unanimously.

Mr. Maloney moved and Mr. McLaughlin seconded to proceed with the Application with the funds for a Senior/Community Center making use of the other Grant and directing the Township Manager to coordinate with Mr. Santarsiero's office and work with the Board of Supervisors on an in-kind match.

Mr. Rubin stated he would like to help Mr. Fedorchak with his charge. He stated a number of years ago the Township refinanced some Bond debt for the fire engine and also included about \$40,000 for a Sketch Plan for a Senior Center which means the Township had already allocated money toward that. Mr. Fedorchak stated they did spend money on architect and engineering fees. Mr. Rubin also stated there is a big difference between a Capital Fund Budget and an Operating Budget. He stated most Government agencies incur debt for the Capital Budget. He stated this is the most advantageous climate ever to incur debt to borrow money. He stated they are considering building a facility that will be around for decades; and if they have to incur \$1 million to get \$1 million, they are not going to incur \$1 million worth of debt service. He stated the Board will be shortchanging the residents if they do not get the \$1 million for the Center in addition to the ball fields.

Motion carried unanimously.

APPROVAL OF EXTENSIONS FOR CAPSTONE TERRACE AND FIELDSTONE AT LOWER MAKEFIELD

Mr. McLaughlin moved, Mr. Caiola seconded and it was unanimously carried to grant the following Extensions:

Capstone Terrace Final Land Development Submission – 3/15/11
Fieldstone at Lower Makefield Plan 496-N - 3/31/11

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There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 10:35 p.m.

Respectfully Submitted,

Matt Maloney, Secretary